

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR21-264 WJ

STEVEN SILGUERO,

Defendant.

ORDER CONTINUING JURY SELECTION/TRIAL
PENDING RESOLUTION OF PENDING MOTION

THIS MATTER is before the Court *sua sponte* pursuant to the filing of a Motion to Suppress by the Defendant. The Government's response is due July 23/2021. Any reply by the Defendant would be due by August 6, 2021. Trial in this matter is currently set for August 2, 2021. This leaves insufficient time to complete briefing and for the Court to review and issue a ruling. Whereas, it would be in the interest of judicial economy to issue a ruling on the Defendant's motion prior to preparation for trial, the Court finds that a continuance in this matter is in the interest of justice pending a ruling on Defendant's motion. Specifically the Court finds, pursuant to 18 U.S.C. §3161 (h)(1)(D), that the ends of justice are best served by continuing Defendant's trial, as such a continuance outweighs the interests of the public and the defendant in a speedy trial.


IT IS THEREFORE ORDERED that the Jury Selection/Trial of August 2, 2021 is VACATED. Jury Selection/Trial is reset for **October 4, 2021, at 9:00 a.m.**, on a trailing docket at the United States Courthouse, 333 Lomas Blvd., NW, Cimarron Courtroom, before Judge William P. Johnson in Albuquerque, NM.

IT IS FURTHER ORDERED THAT, SO AS TO CONSERVE JUDICIAL

RESOURCES, ANY MOTION TO CONTINUE TRIAL MUST BE FILED NO LATER THAN SEPTEMBER 6, 2021.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS FINALLY ORDERED that counsel shall adhere to the instructions and case management deadlines as set forth in the following attachment, "Preparation for Criminal Trial" (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide).



WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE

**PLEASE REFER TO THE FOLLOWING
ATTACHMENTS FOR ADDITIONAL DEADLINES AND INFORMATION:**

“Preparation for Criminal Trial” (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide.

OTHER INSTRUCTIONS/MOTION TO CONTINUE TRIAL DEADLINE:

Motions for continuance in criminal cases must satisfy the enumerated factors set forth in 18 U.S.C. § 3161(H)(7)(A). In cases involving multiple defendants, counsel must file a joint motion for continuance with all counsel approving said motion. MOTIONS TO CONTINUE MUST COMPLY WITH THE SPECIFIC REQUIREMENTS SET FORTH IN *UNITED STATES V. TOOMBS*, 574 F.3D 1262 (10TH CIR. 2009). THE MOTION “MUST CONTAIN AN EXPLANATION OF WHY THE MERE OCCURRENCE OF THE EVENT IDENTIFIED BY THE PARTY AS NECESSITATING THE CONTINUANCE RESULTS IN THE NEED FOR ADDITIONAL TIME.” *ID.* AT 1271. MOTIONS CONTAINING SHORT, CONCLUSORY STATEMENTS REGARDING THE REASON A CONTINUANCE IS REQUESTED ARE INSUFFICIENT UNDER *TOOMBS* AND WILL BE SUMMARILY DENIED BY THE COURT.

TRAILING TRIAL DOCKET:

Counsel are referred to the trailing docket of cases as they appear for jury/selection trial on the Public Court Calendar for October 4, 2021. The order in which cases appear on the Court Calendar does not necessarily reflect the order in which cases will be tried nor is the assigned trial date a firm setting.